had concocted the charge. That accusation was entirely unsupported in evidence and must have reacted unfavourably on the appellant. I think that there can be no suggestion that this is that kind of case. However, in his grounds of judgment the Magistrate went on to say: "I was so convinced that accused went to the secluded quarry with the girl that the only possible defences to which I could reasonably have paid attention would be that accused saw an animal crawling up the girl's skirt, or that he smacked her because she misbehaved herself while out with him". The visit to the quarry was only testified to by the girl herself; there was no corroboration, and the girl was unsworn. Even the strongest case can be confronted by a stronger, and this case could not be described as strong. Young children are at the best unreliable witnesses, and this passage displays an attitude which would be wrong with regard to any witness or any number of witnesses. In view of this I cannot regard the conviction as satisfactory. The appeal must be allowed and the conviction quashed.

Appeal allowed.

KOH ENG SOON v. REX.

[App. Crim. Juris. (Murray-Aynsley, C.J.)
December 15, 1949]
[Singapore — Magistrate's Appeal No. 153 of 1949]

Penal Code S. 354 — Outraging modesty — Need for corroboration of evidence of complainant.

In this case the appellant had been convicted of an offence under S. 354 of the Penal Code. One of the grounds taken on appeal was that there was no corroboration of the evidence of the complainant.

Held, that in such a case corroboration is desirable and as the learned Magistrate had not given sufficient attention to this matter, the conviction must be quashed.

Cases referred to :—

(1) *Rex v. Baskerville* (1916) 2 K.B. 658.

(2) *Rex v. Velayuthan* (1935) M.L.J. 277.

MAGISTRATE'S APPEAL.

D. K. Walters (*C. H. Koh* with him) for the Appellant.

A. H. Simpson (D. P. P.) for the Respondent.

Murray-Aynsley, C. J. : — In this case the appellant had been convicted of an offence under section 354 of the Penal Code and sentenced to 2 months rigorous imprisonment.

Various objections were taken to the proceedings in the Court below. I think that the consideration of one matter is sufficient. In this case the complainant was an adult. In cases of this kind corroboration is desirable though not technically essential. Where the case has been heard by a magistrate or a District Judge the appellate Court must be satisfied that the Court below appreciated fully the desirability of having corroboration and was not under a misapprehension that something was corroboration which as a matter of law was not. In this connection it should be noted that what is described as corroboration in section 157 of the Evidence Ordinance is not corroboration for this purpose. The effect of section 157 is to render generally admissible statements by the complainant which in England are only admissible in cases of rape and kindred offences. Such statements are not corroboration in England and therefore, where as a matter of practice corroboration is required or desirable, they should not be regarded otherwise here.

The question of the complaint in these cases is different from that of corroboration. It is not in any way at the present time a legal requirement, but where there is no complaint within a time that is, in the circumstances reasonable, naturally no Court would convict, on the evidence of the complainant.

The law as to corroboration is laid down fully in the case of *Rex v. Baskerville*[1] and applied locally in *Rex v. Velayuthan*[2].

In the present case I do not consider that there was any corroboration and I am not satisfied that the Magistrate, who otherwise gave extremely careful attention to the matter, gave sufficient attention to this aspect of the case.

In the circumstances the appeal must be allowed and the conviction quashed.

Appeal allowed.

E. H. BATTAT & ANOTHER v. REX.

[C. C. A. (Murray-Aynsley, C. J., Evans and Gordon-Smith, JJ.), January 16, 1950]
[Singapore — Criminal Appeal No. 43 of 1949]

Proclamations issued by or under the authority of the Supreme Allied Commander — Validity of — Straits Settlements (Repeal) Act, 1946 — Singapore Colony Order in Council, 1946, ss. 1(2), 2, 42 and 45.

In this case the appellants were convicted of certain offences against the Finance Regulations made under the Finance Regulations Proclamation issued by the Supreme Allied Commander. The validity of all these convictions depended upon whether or not at material times these regulations were in force in the Colony.

Held, that (1) the Finance Regulations Proclamation of the Supreme Allied Commander in South East Asia was merely the order of a military commander and has no legal effect unless it has at some subsequent time been enacted as a law; (2) the Straits Settlements (Repeal) Act, 1946, by section 2 gives the Crown power to legislate for the Colony by Order in Council; (3) by sections 42 and 2 of the Singapore Order in Council the Proclamations of the Supreme Allied Commander in South East Asia were made law in the Colony; (4) the Finance Regulations Proclamation is accordingly now valid as a law and the conviction of the appellants must be upheld.